



ILLEGAL EXACTIONS OF TOLL. BALTIMORE, 1819

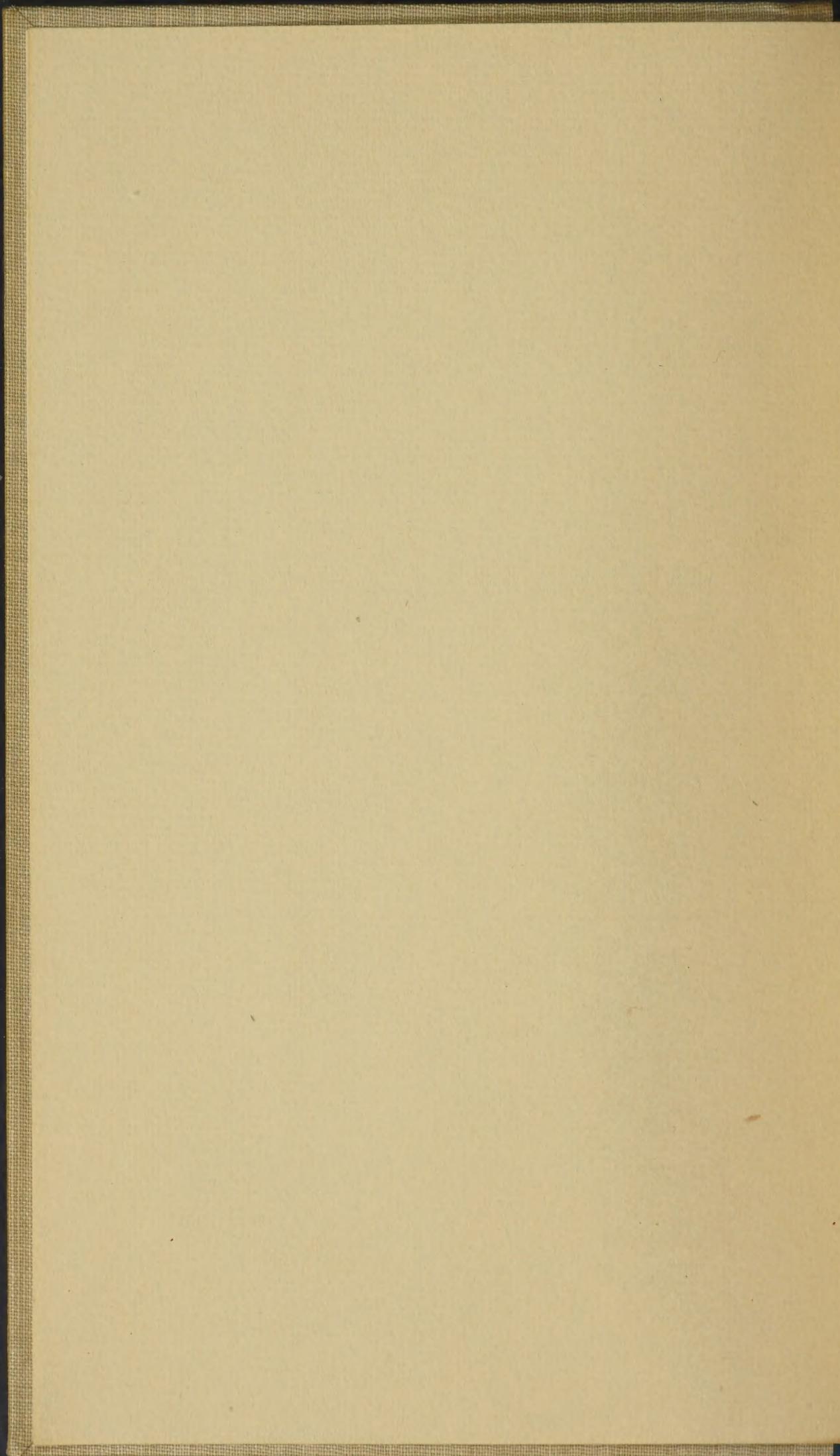




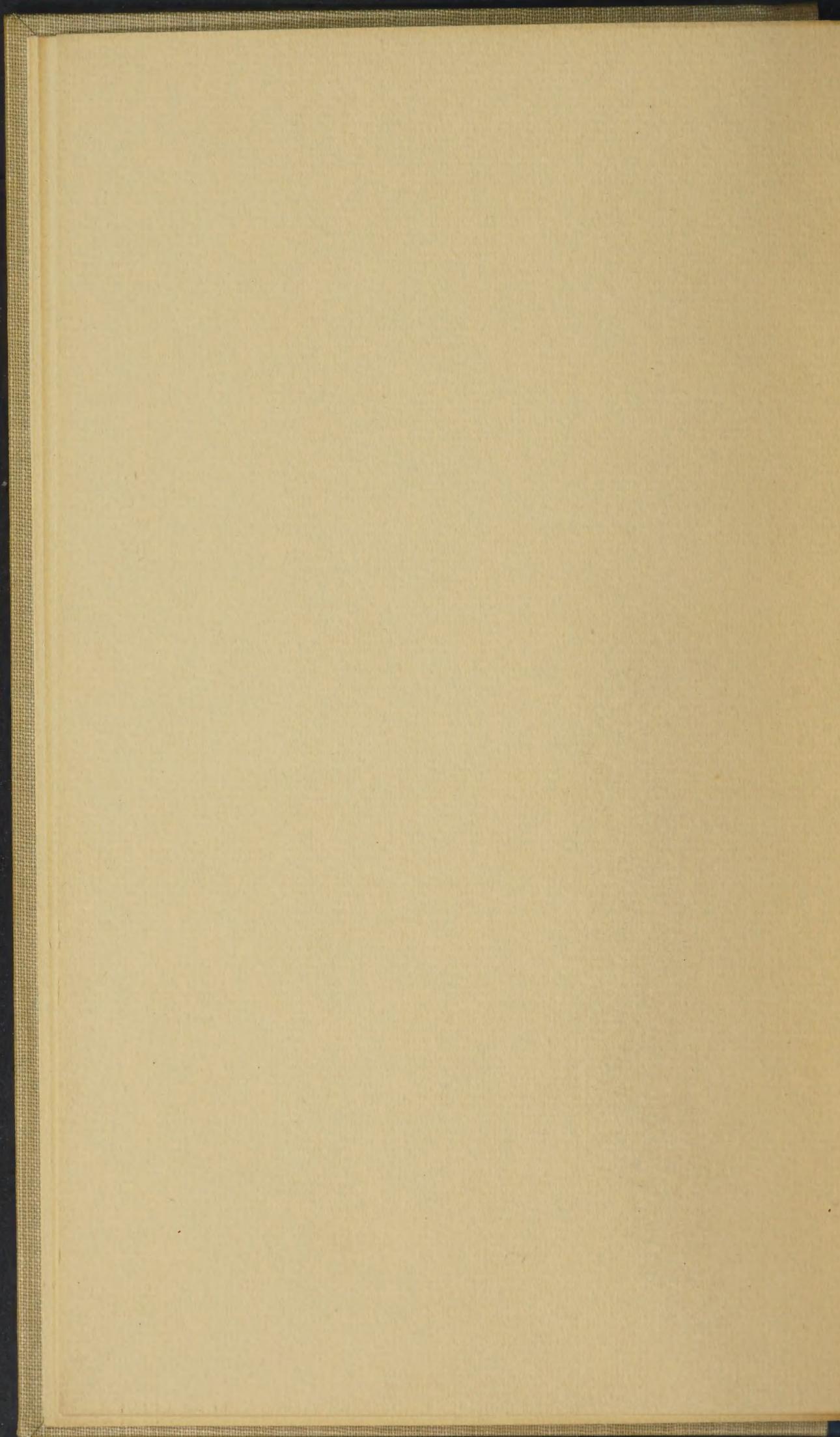


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**PETITION**

TO THE

**GENERAL ASSEMBLY**

OF

**MARYLAND,**

**BY CITIZENS OF THE STATE,**

PRAYING TO BE RELIEVED FROM

**ILLEGAL EXACTIONS OF TOLL,**

ON THE

**TURNPIKE ROADS;**

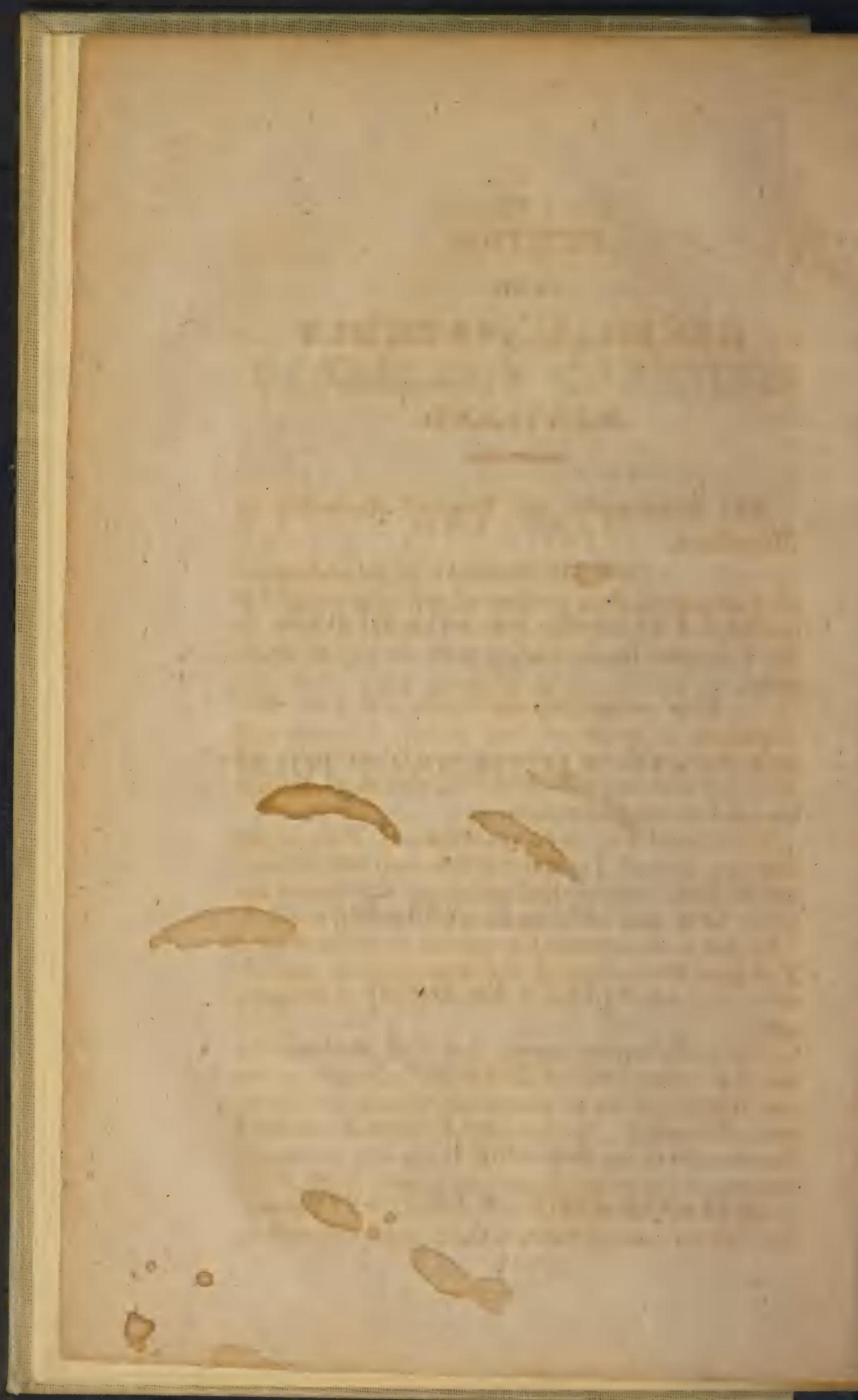
**LEADING TO BALTIMORE.**

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**Baltimore:**

**PRINTED FOR THE COMMITTEE.**

**1819.**



PETITION  
TO THE  
GENERAL ASSEMBLY  
OF  
MARYLAND.

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*The Honourable the General Assembly of Maryland.*

THE MEMORIAL of the undersigned Committee, duly authorised and empowered by meetings of the citizens, residing on and adjacent to the Turnpike Roads leading from the city of Baltimore,

*Most respectfully represents, that your Memorialists, in behalf of their Fellow Citizens and themselves, with due deference solicit your kind and indulgent attention to the following statement of their Complaints and Grievances.—*

That illegal and unjust exactions of Tolls at the Gates on the said Turnpike Roads, and which exaction of Toll, is an evident and direct violation of the 20th, 33rd, and 36th Sections of the Act, entitled, "An Act to incorporate Companies to make several Turnpike Roads through Baltimore county, and for other purposes," passed on the 12th day of January, 1805.

The 20th Section enacts, that Toll shall only be paid for "every space of Ten miles in length of the said Road; and so in proportion for any greater or lesser distance." Section 33rd declares it unlawful "to demand or receive, of or from, any person or persons, living on or adjacent to the said Road, within three miles of any of the said Gates, or Turnpikes, any Toll for passing the said Gate, more than once in

twenty-four hours." And Section 36th, enacts that a *fractional* part of the Road, when completed, over and above ten miles, shall be examined and licensed, and that Tolls shall be received "in the *same proportions*, on the aforesaid *fractional* part, of the said Road, as is therein allowed to be received, on *other parts*, of the said Road." Of a daily violation of the aforesaid Sections, they do most earnestly complain and remonstrate against, as a grievance of magnitude, in as much as our money is, not only illegally and unjustly forced from *us*, but the evil effects, of a Law, thus disregarded, would be entailed on numerous innocent sufferers.

The Companies, through their Agents, the Gate Keepers, demand and receive Toll from citizens, who do not live one mile from the gate, nor travel on the Turnpike, one half mile, the same as if they had travelled five miles.

Your Memorialists complain that when Corporate Bodies assume powers not delegated, and violate the Law with impunity, individual rights and privileges are sacrificed.

They complain that some have appealed to the Law, to obtain a return of Toll illegally exacted; although they obtained Judgments in their favour, yet the loss of time, with the trouble and expense, necessarily attending the prosecution, for a *few cents*, rather increased than diminished the grievance.

They complain that these unjust exactions of Toll are of daily occurrence; and in instances, some of which they beg leave to annex, serious injury and loss, has been the consequence. *See documents a, b, c.*

They further complain that it is vexatious and produces nearly the same effects, as a denial of justice, to an individual who may pass through a Gate, five or six times in a day, if he be compelled to sue for the recovery of the Toll illegally taken each time.

Should he, however, apply to the Law for redress, he meets at the first step, a phalanx of legal talent,

and the wealth and influence, of an incorporated body to contend against; he is carried from one office to another;—his time is lost;—his team stands idle;—and thus harrassed, perplexed, and vexed with loss, injustice and delay, he gives up the contest and the money illegally exacted. *See documents.*

Your Memorialists also complain of a palpable violation of the 17th and 26th Sections of said Act, by the said Companies and their Agents, particularly as respects the Baltimore and Reister's Town Turnpike Company, who have suffered the Road to get and remain out of repair, and, on which, inquisitions were held according to Law, and the inquests declared that said Road was not “in that good order and repair” which the law required; and notwithstanding these judgments of condemnation, the Gate Keepers have continued to demand and receive Toll; yet at the same time, the Road was not, nor to this day, has been put in that good order and repair, required by Law. *See documents.*

They complain that threats and force were resorted to, to compel the payment of Toll, when the said Road was thus out of order and condemned as aforesaid.

They complain that whilst the Road remained out of order and repair and condemned, as aforesaid, that John F. Harris, (Secretary of the Company,) did issue a warrant against a stranger from the country, and that he was taken before a Justice of the Peace, who was we believe, uninformed of the condemnation of the Road, who adjudged him to pay 18 cents debt, and \$1 37 $\frac{1}{2}$  cents costs.—*See document E.*

Your Memorialists beg leave to present to your consideration the 27th Section of said Act, and complain that, as the said Section is construed by the Companies and their counsel, your Memorialists are debarred of the same equal and certain means to enforce the penalty for a breach of the Law, in exacting Tolls whilst the Road is condemned, by a speedy re-

covery of the fines incurred by the agents of the Companies, in as much as the said Section provides and empowers the Companies, by their agents to "sue and recover a penalty of ten dollars, with costs of suit, before any Justice of the Peace;" but on the other hand, when an injured individual, sues one of the Companies' agents for receiving illegal Toll, the authority of a Justice of the Peace, to take cognizance of the fine of twenty dollars, imposed by the 27th Section, is denied.—They compel him to seek redress, in the Courts of Law, and even after employing counsel and incurring much trouble and expense, if he should obtain a favourable decision the fine at last, goes to the use of the county, in which the forfeiture was incurred, the Tolls continue to be exacted from the public during the whole time, as if the Law was a cypher and Justice was dead.

They complain then, that under that construction of the section, and which has been already enforced, the agents of the companies, are almost secure from fines or Penalties, as few individuals, would be found willing, able and independent enough to enter into so unequal a contest, in which they had nothing to gain, but were certain to suffer loss.

They complain that the said Companies have not complied with the provisions of the 31st Section of said Act, but have neglected to keep posts erected, at the Intersection of Roads, with Index Boards affixed; and the distances marked, in miles and fractions, at the different Gates.

Your Memorialists cannot pass unnoticed, the partiality and favouritism shewn by the Companies, to individuals, in granting them a yearly License, at a lower rate of Toll, than is paid by the public at large, and refusing, at the same time, a like indulgence to others, who have made application.

They complain that partiality produces injustice, when those who are excluded, have to pay the deficiencies, arising from the low rate of Toll paid by

the Licensed few. Although the amount of the ten per cent allowed by the Act, may be collected, the less some pay, the more must others.

Your Memorialists cannot subscribe to the right of Companies to exonerate themselves, or their Friends, from the payment of Toll, in whole or in part, and will not tacitly consent to unjust exactions, to relieve favourites of *their* share of a common burthen.

Your Memorialists do farther complain of unfair and improper means being resorted to, in order to prevent them from appealing to your Honorable Body, for a redress of grievances, and that not only threats against Private Citizens have been resorted to, but the Justices of the Peace, who gave decisions against the company, have been publicly told, *their offices should be the forfeit*;—and for what? for being unawed, and uninfluenced by the wealthy, and for having given judgments according to the dictates of their consciences.—*See Documents.*

Your Memorialists avow their high opinion of the utility of Turnpike Roads, and consider them promotive of public good, when their affairs are judiciously managed; but if, on the other hand, the law is violated by the exaction of illegal tolls, whilst the roads are suffered to remain out of repair, and a number of select friends are licenced to travel the roads, either free from toll, or at a lesser rate than the rest of the community; they then become monuments of public injustice, and individual wrong.

Your Memorialists will farther crave your indulgence, whilst they beg leave to refer the honorable, the general assembly, to two public Documents, laid before you at the last session. One of these is a letter in reply to John E. Howard, Jun. Esq. on the subject of the Baltimore and Frederick town Turnpike Road, by the President of the Company, where in he says “if two or more Gates are placed, in the same Section, the demand, at each gate, is according

to the distance used" The other is a Letter to the same, on the subject of the Baltimore and York Turnpike Road, by the President of the Company, wherein he says, that the section (33) "admits persons residing within three miles of any of the gates, to pay but once in twenty four hours," and not one of the other Presidents have attempted to set up any defence whatever, in favour of a different construction of the Law. Here then the construction of the Law which your Memorialists contend for, is, of their own accord, admitted by two of the Companies, yet conduct the very reverse is constantly practised and Toll on these roads is daily and hourly demanded and received, contrary to their admitted construction.

Your Memorialists pray that all doubts upon this point may be removed by your honorable body, and that you will take this their memorial into consideration, and so regulate the fines and penalties for illegal exactions of Toll, and other violations of the Turnpike Laws, as will prove most likely to prevent a repetition of the abuses complained of.

Your Memorialists do pray that the latter Clause of the 27th section of said Act be so amended, as to entitle the aggrieved Individual to the fine of Twenty Dollars, for his use and benefit, who shall prosecute to conviction, the said Companies or any one of them, or any one of their agents, for demanding or receiving illegal Toll, and that the said fine of \$20 may and shall be recovered before any Justice of the Peace, in like manner, as Debts of a similar amount, may be sued for and recovered.

And your Memorialists, pray your honourable Body to take into your farther consideration, the propriety of making such provision, as, in your wisdom may seem meet and proper for defraying the costs and expences attending inquisitions, which, it may become necessary to hold on said roads when out of legal order and repair, all which your memorialists most respectfully submit and pray.

## DOCUMENTS.

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*(Document A.)*

### CERTIFICATE OF JAMES DOWNS.

The subscriber hereby certifies, that he resides within one mile of Gate number two, on the Baltimore and Reister's town Turnpike Road, and that his property bounds within a half mile of said Gate. He does certify that for more than ten years past, he has passed the said Gate with from one to three teams, and that he was charged Toll, every time he passed, the same sums as if he had travelled five miles.—He certifies that the amount of Toll, thus charged him, from the 13th September to the 30th of October, in the present year, was, at Gate number two, \$16 66 and at Gate number one, \$12 46, and, during that time, the road had been condemned by inquisition, legally held thereon, and has not been, to this day, put in good and perfect order and repair.

He certifies that he was warranted for Toll, thus demanded, by the keeper of Gate number two, as agent of the Company, but the suit was withdrawn, and the said gate keeper, after the lapse of some time, sued him, for the same money, in his individual capacity and not as agent for the Company, and obtained judgment!—The plea was, that the keeper had paid over the money to the company.—He farther states and certifies that he can no longer carry his produce to market, so as to afford him a living, owing to the extravagant Toll which he has been forced to pay, and that, although he does not travel six miles, and only hauls  $\frac{2}{3}$  of a cord of wood, which sells for about \$3 50 in the city, his Toll amounts to \$1 12; and had he not broad wheels before, which has been only for about a year, his Toll would be, as it has been heretofore, much higher.—He certifies farther, that it is known to him that licenses have been grant-

ed, to individuals, at a much lesser rate of Toll, than was paid by those who were not so licensed.

JAMES DOWNS.

*Baltimore, Dec. 11th, 1819.*

Baltimore county ss. On the eleventh day of December, in the year eighteen hundred and nineteen, before the subscriber one of the Justices of the Peace in and for the county aforesaid, personally appears James Downs who hath subscribed the above certificate, and made oath on the Holy Evangel of Almighty God, that the facts therein stated are just and true to the best of his knowledge and belief.

DAVID MORRISON.

(*Document B.*)

**ROAD COMPANY, vs. WALLACE**  
the waggoner.—Judgment for the plaintiff.

The following Judgment was given when the Road was legally condemned:

The President, Managers, and Company of the Baltimore and Reisters Town Turnpike Road. vs. Wilson. Baltimore County, to wit: Warrant issued by John F. Harris, Esquire, the 4th September, 1819, and made returnable the same day,—and returned the same day by Acquila Carroll, constable cepi, and on the said 4th September, 1819, the defendant appeared before the subscriber, a Justice of the Peace for Baltimore County, by the name of William Wilson Wallace,—and Judgment entered against him for eighteen cents debt, and one dollar thirty-seven cents and one half cent with interest thereon from this 4th instant, until paid or satisfied, it being for toll for waggon and horses passing through the Reisters Town Turnpike Gate, on this day.—Same day paid by said Wallace, to the Toll gatherer. ROBERT GORSUCH.

(*Document C.*)

**JOHN FREEBURGHER, vs. E. MILLER.**  
Judgment for Plaintiff, and Appeal had.

John Freeburgher, use of Levy Court of Balti-

more County, *v.g.* Elijah Miller, toll-gatherer at gate No. 1, on Baltimore and Reisters town turnpike road.

Baltimore County 23d August, 1819. Judgment for Plaintiff, for twenty dollars debt, and fifty-eight cents costs, from said judgment appeal to court was made. True extract, from my Dockett.

FERD, GOURDON, J. P.

(*Document D.*)

**CERTIFICATE OF PEOLEY BROWN.**

I Peoley Brown, do certify that I was at Gate number one, on the Reister's town turnpike road, on Saturday the 4th day of September last, when a waggoner, with two horses and waggon, passed through the gate without hindrance, when Elijah Miller, the gate keeper, attacked him armed with a stick; a struggle ensued, and said Miller called his sons and others to his assistance, and also called for his gun. The waggoner, however, persisted and went on, and said Miller and others followed him. I certify that said Miller, on his return informed me, that he sued the waggoner in town and recovered the toll and costs, but that the fine was forgiven on account of his pleading his belief that the gate was thrown open, promising he would acknowledge himself in error at certain places on the road, and his pleading poverty. I do further certify that the said gate No. 1 was thrown open on the third day of said month, and said Miller did cease to demand toll, on account of the road having been condemned by an Inquisition, as I then was informed.

PEOLEY BROWN.

Baltimore County ss. On the twentieth day of December, in the year eighteen hundred and nineteen, before the subscriber one of the Justices of the Peace in and for the county aforesaid, personally appears Peoley Brown who hath subscribed the above Certificate and being solemnly sworn on the Holy Evangel of Almighty God, did depose and say, that the facts stated in the above certificate are true to the best of his knowledge and belief. DAVID MORRISON.

*(Document E.)*

**MR. BELT, &c. vs. E. MILLER**—Judgment for Defendant.  
 Levy Court of Baltimore County, Exrelation, &c.  
 Mr. Belt, use of Baltimore County, *vs.* Elijah Miller, Toll gatherer at Gate No. 1, on Baltimore and Reisters town Turnpike Road.

Judgment that the plaintiffs pay 169 cents costs  
 September 6th, 1819. True extract from my Doc-  
 kett. **FIELDER ISRÆL, J. P.**

*(Document F.)*

**JOHN GOWAN, vs. E. MILLER**.—Judgt. for Defendant.

John Gowan, use of Baltimore County, *vs.* Elijah Miller, Gate keeper on the Reisters town Turnpike Road.

October 21st, 1819. Judgment of non-suit, the plaintiff to pay costs, Ninety-five cents.

I do hereby certify, that the above is a true transcript of a judgment given by me, at the suit of John Gowan, use of Baltimore County, against Elijah Miller, Gate keeper on the Reisters town Turnpike Road. Witness my hand and seal, this 20th day of December, 1819. **SAMUEL FREY, Seal.**

*(Document G.)***CERTIFICATE OF ISAAC CARPENTER.**

The subscriber hereby certifies and makes known that he resided within one mile of Gate No. 1, on the Baltimore and Reisters Town Turnpike Road, and that he did not travel half a mile on said Road before he arrived at the Gate, where he was forced to pay as much Toll as if he had travelled five miles on it. He farther certifies, that he frequently passed said Gate, six times in the twenty-four hours, and was charged every time  $18\frac{1}{4}$  cents for his two horses and cart, making the day's toll  $\$1\ 12\frac{1}{2}$ , or  $\$1\ 08\frac{1}{4}$  more than the law demands. He farther certifies, that, owing to the extreme badness of said Turnpike Road, the wheels of his cart were broken different

times, and that the said heavy tolls became, to him, a serious grievance and loss, proving, in a great measure, his ruin, and inducing him to leave the place he had rented.

*Baltimore,* ISAAC CARPENTER.  
*Decr. 10, 1819.*

Baltimore County, ss. On the 10th day of December, in the year eighteen hundred and nineteen, before the subscriber, one of the Justices of the Peace, in and for the county aforesaid, personally appears Isaac Carpenter who hath subscribed the above certificate, and made oath on the Holy Evangel of Almighty God, that the facts therein stated, are true, to the best of his knowledge and belief.

DAVID MORRISON.

(*Document H.*)

**CERTIFICATE OF BENJAMIN WOODEN.**

The subscriber, Benjamin Wooden, hereby certifies that he resides between Gates numbers three and four, on the Reister's town Turnpike Road, and within 175 perches of said road, and that he does not travel four hundred yards farther on the Turnpike, until he has to pay as much toll as if he had travelled five miles on said road.—He farther certifies that some of his neighbours, who reside *nearer* to the said Gate, and do not travel a *greater distance*, on said Turnpike, than the subscriber, have, in like manner, to pay toll for five miles, and not only so, but are compelled to pay *every time* they pass the said Gate.

BENJAMIN WOODEN.

*Baltimore, Dec. 17th, 1819.*

(*Document I.*)

**CERTIFICATE OF RICHARD WARD.**

The subscriber, Richard Ward, residing near Reisters town, and within one half mile of Gate number four, on the Hanover road, and near to said road, or turnpike, hereby certifies that frequently, and for many years, he has paid toll, at said Gate, for five miles,

although he did not travel on the turnpike, twenty perches, before he arrived at said Gate, nor six perches after he passed it, until he turned off; and farther that when he passed over to the Westminster Prong, he had to pay for five miles more; frequently and for many years, whereas he did not travel, on that turnpike road, three fourths of a mile, before he came to the gate.—nor did he travel, two miles, as aforesaid, on both roads, until he had to pay for ten miles. — He farther certifies, that on returning, he has to pay for ten miles, although two miles, of both roads, has not been travelled. He farther states that the Hanover and Westminster turnpike roads have been, heretofore, out of repair and in very bad order.

RICHARD WARD.

*Baltimore, Dec. 17th, 1819.*

(*Document K.*)

**DOCUMENT FROM SAML. JONES, JOHN WALL, AND CHRIS. CARNAN.**

We the undersigned, living a little more than seven miles from Baltimore, and within less than three miles of Gate number two, kept by M. Stansbury, state that during the presidency of Mr. C. Gist, they paid but once in twenty-four hours at said gate.— Since that we have been compelled to pay every time we have passed the gate; and although we travel the turnpike but little more than six miles, we are compelled to pay at number one and number two, for five miles, making the exaction of toll from us, ten miles going, and ten returning from Baltimore; which is twenty miles, when the whole distance travelled by us, is not thirteen miles.

SAMUEL JONES,  
JOHN WALLS,  
CHRISTOPHER CARNAN.

*Baltimore Dec. 16th, 1819.*

(*Document L.*)

**CERTIFICATE OF JOHN GOWAN.**

I do hereby certify, that my property binds on the Baltimore and Reisters town turnpike Road, and that it lies within a mile and a half of Gate No. I, notwithstanding which, I was forced to pay as much Toll, and as often, as if I had lived five miles from the Gate.—This will appear beyond the possibility of doubt, by the following notice, handed me by the Gate keeper, Mr. Miller.—It is as follows:—

“Sir, I received orders from our superintendant this evening, to receive pay for your horses and cart, *every* time they pass through turnpike No. 1.—July 8th, 1819.”

Elijah Miller.

Mr. Gowan:

I do farther certify, that toll has been, and continues to be, demanded and received at Gate No. 1, and, at the same time, *that portion* of the road, from the intersection of Franklin Street to the three mile stone, has been legally condemned.

I certify that licenses have been granted to some individuals, and the same indulgence refused to others.

I certify, that, in suits to recover the fine of \$20, agreeably to the last clause of the 27th section, the jurisdiction of a Justice of the Peace was denied in two cases, and in another where judgment was given in favour of the plaintiff, an appeal was made by the Companies' Agents.—I do farther state, that in going from Baltimore, I am compelled to pay at Gate No. 1, on the Fredericktown road, for ten miles before I can pass, and in like manner on the Harford road, I had to pay toll for five miles going and for five miles returning, whereas, I did not, to the best of my knowledge, travel four miles going and returning, on the said Road. I certify, that I have several times sued for illegal toll, demanded, and recovered judgments.

but the time lost, &c. made it a grievance to me, instead of justice or redress. JOHN GOWAN.

(*Document M.*)

**FREDERICK SUMWALT'S CERTIFICATE.**

The subscriber, Frederick Sumwalt, lives near the Falls turnpike road, and within one mile of the Gate, and has property bounding on said road. He certifies that he has to pay  $6\frac{1}{4}$  cents, for himself and horse, that is, for the *whole length* of the road, although he does not, generally, travel a mile and a half on it; and in like manner has to pay full toll for his waggons, carts, &c. when he travels no greater distance. He certifies that the road has been in bad repair and that part of it has been condemned, notwithstanding which, Toll is still demanded and received.

FREDERICK SUMWALT.

*Baltimore Dec. 16th, 1819.*

(*Document N.*)

**CERTIFICATE OF THOMAS BURFORD.**

The subscriber, hereby certifies and states that he lives within fifty yards of the Gate, on the Falls turnpike road, and that his house is on one side of the gate, and his stable on the other, and that he occupies land on both sides of the Gate; yet he has to pay  $12\frac{1}{2}$  cents for passing the gate, with his horse and cart, from his stable to his house, and *vice versa*;—and that in going to the blacksmith's shop, only about three undred yards from his house, has to pay  $6\frac{1}{4}$  cents for his horse when he onlh wants a *remove*.

He certifies that he sued for illegal receipt of toll, but has never yet been able to get the *illegal toll*, the *costs*, nor the *fine of twenty dollars*, for the benefit of the county, although he got judgment.—He certifies that the said road has been legally condemned, as being out of order and repair, and yet toll continues to be not *only demanded*, but *forced*, by shutting the

Gate against the public, and refusing to let them pass, until payment is made.

THOMAS BURFORD.

(*Document O.*)

**CERTIFICATE OF BERNARD ZELL.**

I Bernard Zell, do certify that I live within two hundred yards of the Gate, on the Falls turnpike road, and that for passing the Gate, although I do not travel one fourth of a mile, on the road, I have to pay  $12\frac{1}{2}$  cents for one horse and cart, and 25 cents for a cart and two horses.—I certify that the road is, in many places almost impassable, and is condemned by an inquisition legally held, and that toll is still compelled. I certify that the delay, costs and trouble of prosecuting, for redress of grievances, will not authorise me to enter into a scene of law warfare, with the agent of the company, at the same time, I cannot, tamely submit to injustice.

BERNARD ZELL.

*Baltimore December 20th 1819.*

(*Document P.*)

*State of Maryland*

An inquisition taken on the Falls turnpike road in Baltimore County, on this eighth day of December eighteen hundred and nineteen, before Edward Fendall one of the Justices of the Peace for the county aforesaid, by the oaths of Hiram Cochran, Charles Jones and David Jones, three good and lawful men of the county aforesaid, who being duly sworn on the Holy Evangel of Almighty God, and charged to examine impartially the said road do say upon oaths, from Fosse's Quarry to the Red Mill, owned by Mr. Elicott, is not in good order and repair; also a place a little above Wilson's gate, in testimony whereof as well the said Justice, as the said jurors have to this

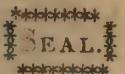
inquisition put their hands and seals dated the day and year first above written.

HIRAM COCHRAN, Seal.

CHARLES JONES, Seal.

DAVID JONES, Seal.

EDWARD FENDALL,



*(Document Q.)*

**JOINT CERTIFICATE OF JESSE RUTLEDGE AND ANDREW WIGART.**

We certify, that we live within one mile of the Gate on the Falls Turnpike Road, that we do not use  $2\frac{1}{2}$  miles of said Road, when, at the same time, we are forced to pay  $6\frac{1}{4}$  cents toll for every horse in the team, when the wheels are more than four inches tread, and double that sum when we use the narrow wheels,—and we do certify, that the Road has been and is out of order and condemned, and yet toll continues to be compelled to be paid.—They do farther certify, that it becomes too expensive and troublesome, to commence suits against the company or agent, for every improper exaction of Toll, and are forced rather to bear with the injustice, than to enter into litigation with the company's agent,

Baltimore, Decr. 18th, 1819.

ANDREW WIGART.

his

JESSE x RUTLEDGE.

mark

Read to and signed by the above Jesse Rutledge, in presence of me, as witness. JOHN WALLS.

*[Document R.]*

**CERTIFICATE OF JAMES WILSON.**

The subscriber, James Wilson, resides on the Falls turnpike Road, within one-fourth of a mile of the Gate, and that for four horses and waggon with wheels more than four inches in the tread, he has to

pay twenty-five cents, although he does not, generally, travel more than one and a fourth miles; and for the same distance and number of horses and waggon, with narrow wheels, he has to pay fifty cents. He certifies that the gate has been frequently shut against him, and he compelled to pay twice in less than twenty-four hours; and for less than one-fourth of a mile, has been compelled to pay  $18\frac{3}{4}$  cents for three horses and waggon: and farther, for a horse *only*,  $6\frac{1}{4}$  cents, yet did not travel in all,  $\frac{1}{4}$  mile.—He certifies that the road has been condemned by an inquisition, and remains out of repair, yet toll is demanded and received.—He certifies, that he was warranted twice for the *same* toll.—In the first instance, they withdrew the suit.—They then sued by special warrant for the same toll, before another justice, and there it hangs, without any decision yet had. He certifies that there is but *one Gate* on the road, and they charge him for the whole distance, although he might not travel one hundred yards.—He certifies that some persons travel the whole length of the road and only pay one half as much as others travelling a quarter of a mile. He certifies that he is unwilling to bear injustice, and at the same time, finds it impossible to stand a litigious war against the Company, for every time they exact Toll, by their agent, illegally.

I do farther certify, that bridges on the said road, that were washed away two years ago, have never yet been repaired, and, as before stated, I am still charged toll for  $\frac{1}{4}$  mile the same as if I had travelled nine miles.

JAMES WILSON.

(*Document S.*)

MEMORIAL AND STATEMENT OF THE COMMITTEE FROM THE YORK ROAD.

To the honourable, the General Assembly of Maryland, now in session.

The undersigned, residents on the Baltimore and

York Turnpike Road and its vicinity, beg leave respectfully to state to your honourable body, that, this Road extends in this state to the distance of  $30\frac{1}{2}$  miles, on which is erected seven toll Gates. The first, two miles distant from Baltimore, where half toll is exacted, viz.  $4\frac{1}{4}$  cents for a single horse.

2nd A little more than 7 miles, quarter toll.

3rd 10 half toll.

4th 15 half toll.

5th  $19\frac{1}{2}$  half toll.

6th not  $22\frac{1}{2}$  half toll.

7th  $30\frac{1}{2}$  a little more than quarter toll.

The undersigned would beg leave to impress on the minds of your honourable body, the impositions that are laid on them, by the managers of the above-mentioned road, who, at present, have the power of fixing the Gates wherever their caprice or avarice may direct them, without paying any respect to an equality of distance, as is customary in the state of Pennsylvania. That your honourable body may be apprised of the hardships we labour under, a narrow wheeled waggon with four horses, is obliged to pay four dollars and twelve and a half cents for travelling the distance of twenty-three miles and returning.

Farther we would respectfully state, that it is known to every body that travels the road, that it is not kept in that repair that the charter requires of them.

The undersigned having full confidence in your justice and wisdom, and that you will grant us relief from the oppressions we labour under, are,

Gentlemen, very respectfully,

Your obedient servants.

Nicholas I. Merryman,

John M. Gorsuch,

James Turner,

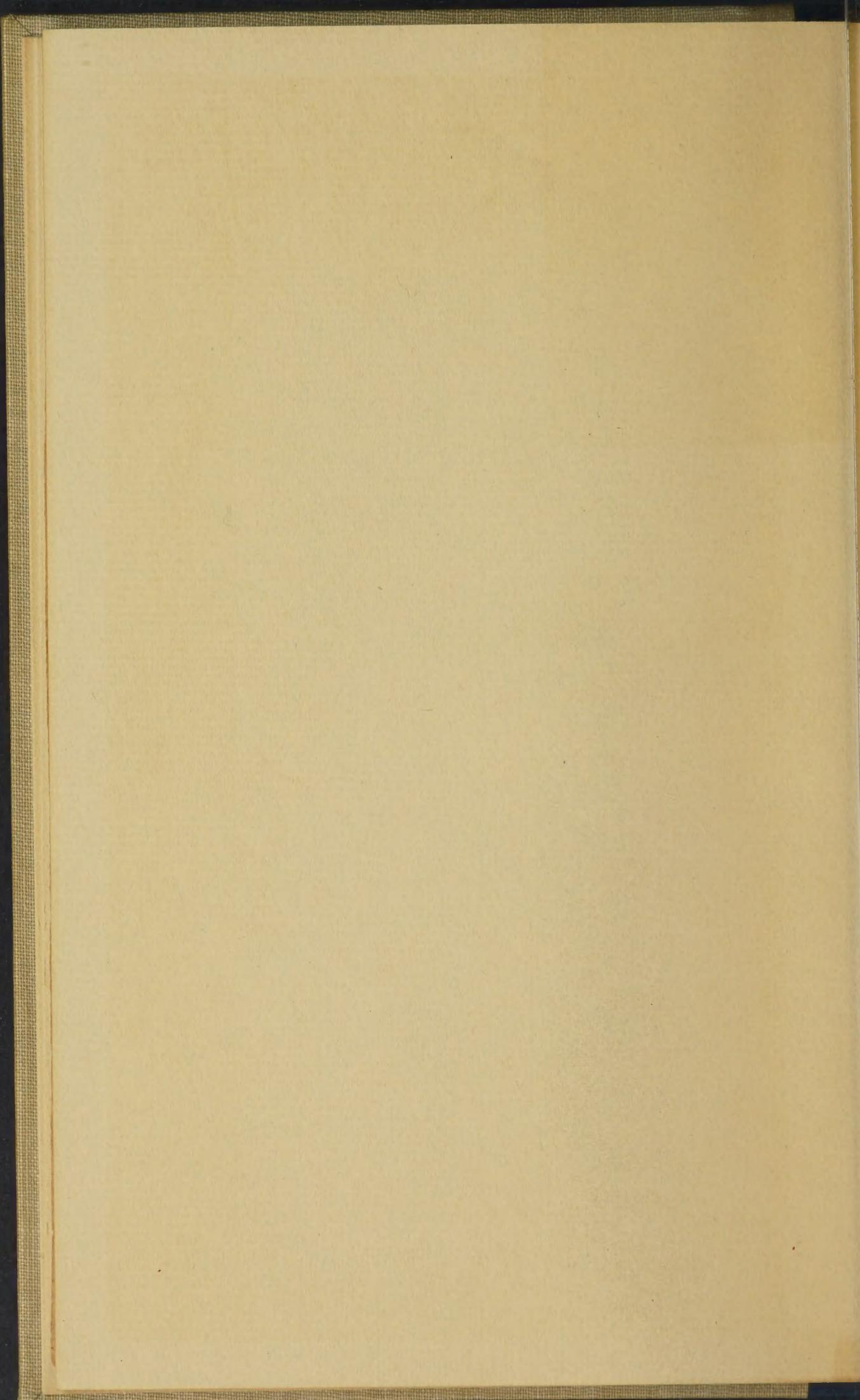
} Committee for the above  
Road.

For further grievances, we refer to the general memorial.









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